

**KIMBERLY HARBIN TAYLOR** \* **BEFORE THE**  
**AND MICHAEL TAYLOR** \* **PLANNING BOARD OF**  
**ZRA 126** \* **HOWARD COUNTY, MARYLAND**

**MOTION:** *To recommend approval of the petition with the text recommended by DPZ, except that the fifth, sixth, and seventh recommended criteria should be deleted, and the second criteria revised to clarify that the produce stand must be the sole use on the property.*

**ACTION:** *Recommended Approval; Vote 4 to 0, with 1 abstention.*

On March 4 and March 18, 2010, the Planning Board of Howard County, Maryland, considered the petition of Kimberly Harbin Taylor and Michael Taylor for an amendment to the Zoning Regulations to amend Section 131 Conditional Uses to establish a new use category, "Farmer's Market and Produce Stand", as a new Section 131.N.21. The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition with certain revisions to the Petitioners' proposed text including the addition of a new fifth, sixth and seventh criteria.

The Petitioners were represented by Thomas Meachum. Mr. Meachum stated that it seems overly restricting to just limit the use to the R-20 District since other uses of a commercial nature can be approved in multiple districts with Conditional Use approval. He expressed that he believes the DPZ recommended criteria for proving a need for a produce stand is unnecessary. Kimberly Taylor stated that the family started selling produce items from the original farm in the 1930s, but stopped growing produce on the larger property approximately 12 years ago. She emphasized that the produce stand is a positive addition to the neighborhood and that it helps to foster a sense of community. Michael Taylor stated that it is good to have convenient local produce available close to neighborhoods because the money spent on the produce stays within the County, and that the produce stand supports local farmers.

Several persons testified in support of the petition. James Byron stated that the produce stand is a good service to the community. Bruce Fossit stated that it is a benefit to the community because it provides a focus. Connie Sennett also supported the petition.

Several persons testified in opposition to the petition. Ralph Ballman noted that when the overall property ceased to be farmed, the farm stand became invalid as an accessory use, and he concluded that this proposal is actually a type of spot zoning. Angie Beltram stated that it is inappropriate to have Zoning Regulation Amendments specifically for one property or one use, and she expressed that she believes the

1 evidence on the number of eligible properties is inadequate. Mark McPherson stated that such a commercial  
2 use should not be permitted in the R-20 District.

3 The Planning Board acknowledged that in general it is not good planning to change the regulations to  
4 apply to an entire district just for one specific use, but it agreed that having a produce stand located near  
5 residential neighborhoods is sensible because the residents can have convenient access to fresh produce  
6 without having to travel to the Rural West. The Board found that the DPZ recommended criteria requiring a  
7 five-mile separation between produce stands is arbitrary, and that the Conditional Use process itself should  
8 ensure a limitation on the number of sites. The Board also agreed that the DPZ recommended criteria  
9 requiring a test for need is similarly unnecessary. The wording of the second criteria was found to be in need  
10 of clarification as to the precise intent.

11 Ms. CitaraManis made the motion to recommend approval of the petition with the text as  
12 recommended by DPZ, except that the fifth, sixth, and seventh recommended criteria should be deleted, and  
13 the second criteria revised to clarify that the produce stand must be the sole use on the property. Mr. Tzucker  
14 seconded the motion. The motion passed by a vote of 4 to 0, with Ms. Dombrowski abstaining.

15 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 15th day of  
16 April, 2010, recommends that ZRA 126, as described above, be approved, with the text as given in the  
17 attached "Planning Board Recommended Text" exhibit.

18  
19 HOWARD COUNTY PLANNING BOARD

20 Abstained  
21 Linda A. Dombrowski, Chairman

22 David Grabowski  
23 David Grabowski, Vice Chair

24 Tammy J. CitaraManis  
25 Tammy J. CitaraManis

26 Paul Yelder  
27 Paul Yelder

28 Joshua Tzucker  
29 Joshua Tzucker

30  
31 ATTEST:

32 Marsha S. McLaughlin  
33 Marsha S. McLaughlin, Executive Secretary

**ZRA 126 – Planning Board Recommended Text**

A CONDITIONAL USE MAY BE GRANTED IN THE R-20 ZONING DISTRICT FOR A FARMER'S MARKET AND/OR PRODUCE STAND, PROVIDED THAT:

- A. THE USE MAY NOT BE LOCATED ON A LOT LESS THAN ONE (1) ACRE NOR LARGER THAN TWO (2) ACRES;
- B. THE FARMER'S MARKET AND/OR PRODUCE STAND SHALL BE THE SOLE USE ON THE PROPERTY.
- C. THE USE MAY INCLUDE THE RETAIL SALE OF CROPS, PRODUCE, FLOWERS, PLANTS AND SEASONAL DISPLAYS, BAKED GOODS, DAIRY PRODUCTS AND BOTTLED/PACKAGED FOOD PRODUCTS.
- D. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A MINOR ARTERIAL ROAD AS DESIGNATED IN THE GENERAL PLAN.